

**PETERBOROUGH**



DATE OF HEARING	Friday, 3 June 2011		
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Peach Councillor Saltmarsh		
APPLICATION TYPE/REF	New Premises Licence 061158		
LICENSEE	Mr Hakan Tas		
ADDRESS	51 Blanford Road, Hamworthy Pool, Bournemouth, BH15 4AT		
PREMISES DETAILS	<b>Unit 1, Sugar Square, 160 Padholme Road, Peterborough, PE1 5JB</b>		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Mr Shokat Ali, Jeremy Roberts & Co. Mr Mark Percival, Architect			
WITNESSES FOR APPLICANT			No
<b>THE FOUR LICENSING OBJECTIVES</b>			
Prevention of crime and disorder	Public safety		
Prevention of public nuisance	Protection of children from harm		
<b>LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE</b>			
Prevention of crime and disorder			
Prevention of public nuisance			

**REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES  
ATTENDING AND/OR INTENDING TO SPEAK**

NAME/DETAILS	ATTENDING	<b>SPEAKING</b>
Councillor Nabil Shabbir	Yes	Yes

The Sub-Committee has read the report and relevant material and listened to all the evidence and submissions. The Sub-Committee has also considered the national guidance and the council's statement of licensing policy.

#### **FINDINGS OF FACT**

**Note here during hearing facts that have a bearing on the decision**

The Sub-Committee finds the following facts:

1. There were no representations received from any of the Responsible Authorities.

#### **IRRELEVANT REPRESENTATIONS**

*Note here irrelevant matters mentioned at hearing and why irrelevant  
e.g. not related to the relevant licensing objective, not related to licensing (e.g. parking issues)*

The Sub-Committee considered the following to be irrelevant Representations:

There were no irrelevant representations.

DECISION MADE

**New Premises Licence**

The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.

The proposed early start time is considered to be of concern to the school children passing by on their way to school.

**Our decision therefore is:**

To grant the application and due to the high number of alcohol related incidents in the area, the hours of sale of alcohol for consumption off the premises are to be:

- Sale of alcohol for consumption off the premises
  - Monday to Thursday 10.00 to 22.00
  - Friday and Saturday 10.00 to 23.00
  - Sunday 10.00 to 22.00
  
- Hours premises are open to the public
  - Monday to Thursday 06.00 to 00.00 (Midnight)
  - Friday and Saturday 06.00 to 01.00
  - Sunday 07.00 to 00.00 (Midnight)

ADDITIONAL CONDITIONS ATTACHED (*if any*)

1. *Conditions set out in the operating schedule (as amended or otherwise)*
2. *Additional conditions (if any) proposed by responsible authorities*
3. *Additional conditions proposed by applicant*
4. *Additional conditions arising from issues considered by the Sub-Committee in respect of any relevant representations*
5. *Any further conditions considered necessary for the promotion of the Licensing Objectives*

**1. As set out in Paragraph 7 on page 3 of the Committee report and Appendix B, page 19 of the Committee report**

**Crime and disorder**

- Video / CCTV equipment shall be installed inside the premises and maintained in working order.
- Video / CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.
- Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.
- Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
- The Designated Premises Supervisor will ensure that staff receive training and supervision to ensure that they fully understand their responsibilities in relation to age restricted products, in particular to the sale of alcohol so as to prevent sales to persons under the age of 18. This training will be documented and available to an authorised officer on request.
- The Designated Premises Supervisor will ensure that all staff training is ongoing.
- The Designated Premises Supervisor will provide a book for all staff to record instances where sales are refused. This book will be available to any authorised officer upon request.
- Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age.

**Prevention of Public Nuisance**

- Receptacles for refuse storage shall be maintained in a clean condition.
- Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

**Public Safety**

- A fire risk assessment conforming to the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.
- A first aid kit will be available on the premises.

### **Protection of Children from Harm**

- The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
- Signage will be prominently placed within the premises advertising the fact that the premise operates the 'Challenge 25' initiative.

### **Mediated Conditions - under the prevention of public nuisance objective**

- The holder of the premises licence or a nominated representative shall take reasonable steps to prevent and control noise nuisance caused by persons using the licensed premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.
- Prominent, clear notices shall be displayed at all exits and outside trading area's requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. Staff must be given adequate instruction and training to prevent them causing unnecessary noise when they leave the premises.
- Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 21.00 and 07.00.

## REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the findings of fact, the Sub-committee is satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested new premises licence would not create public nuisance or increase crime and disorder.

## SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE COMMITTEE'S DECISION:

### **Council's Statement of Licensing Policy**

- Objectives, *Section 4 on Page 5 and 6*
- Fundamental Principles, *Section 6 on Page 6*
- Cumulative Effect, *Section 11 on Page 8 to 10*
- Licensing Hours, *Section 12 on Page 10*
- Licence Conditions, *Section 14 on Page 11 and 12*
- Delegation / Decision Making / Administration, *Section 17 on Page 13 and 14*

### **Guidance issued under Section 182 of the Licensing Act 2003 (October 2010)**

- The Licensing Objectives – Crime and disorder, - *Section 2 pages 18 to 21*
- The Licensing Objectives – Public Nuisance, *Section 2 pages 23 to 25*
- Determining applications – *Section 9 pages 78 to 81*
- Pools of conditions – *Annex D page 133 to 149*

**LEGAL ADVICE GIVEN DURING DELIBERATION**

*(to be read out by Legal Officer when decision is given to the hearing)*

**There was no legal advice given during deliberation**



<b>CRIME AND DISORDER ACT 1998</b>	<b>Were there any implications under this Act? If so give details</b>
<i>Section 17 imposes a duty to have due regard to the likely effect of the exercise of its functions and to do all it can to prevent crime and disorder.</i>	
<b>Human Rights Act 1998</b>	<b>How were the following articles considered</b>
<b>Article 1</b> – <i>Every person is entitled to the peaceful enjoyment of his possessions.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
<b>Article 6</b> – <i>Everyone is entitled to a fair trial</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
<b>Article 8</b> – <i>Everyone has the right to respect for his private and family life, his home and his correspondence.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
<b>DATE OF SUB-COMMITTEE HEARING</b>	3 June 2011

The applicant, together with relevant authorities and interested parties who made representations, has the right to appeal against this determination. There is a period of 21 days from the notification of this decision to commence an appeal by giving notice to the Justices' Chief Executive for the Magistrates' Court. Details will be sent to the relevant parties with the written notice of this decision forthwith.